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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,356	04/14/2000	Girish V. Prabhu	79556PRC	8811

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PATENT LEGAL STAFF
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EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 10/06/2003

Please find below, and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,356

Applicant(s)

PRABHU ET AL.

Examiner

Kelly L. Jerabek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☒ Claim(s) 16,26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 56.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because the number referring to the "restore" button of figure 3 cannot be understood because it is off of the page. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3,4,6,8,11-13,16,18, 20-23, 26, 28, 35, and 38-41 rejected under 35 U.S.C. 102(e) as being anticipated by Steinberg et al., US 6,006,039.

Claim 1 recites "A method for customizing a digital camera for at least one particular user by storing at least one firmware component in a programmable memory

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of the digital camera which controls the operation of the digital camera, the method comprising the steps of:

(a) providing customization software executed external to the digital camera which can access a plurality of firmware components providing different camera features” reads on Steinberg (col. 4, lines 16-31);

“(b) the user selecting at least one desired camera feature to cause the customization software to access the corresponding firmware component(s)” reads on Steinberg (col. 4, lines 32-36); and

“(c) providing the selected corresponding firmware component(s) to the digital camera and reprogramming the programmable memory of the digital camera to store the corresponding firmware component(s) to thereby customize the digital camera” reads on Steinberg (col. 4, lines 36-52).

Claim 3 recites “The method according to claim 1 wherein step (c) includes adding at least one desired feature to the programmable memory of the digital camera” reads on Steinberg (col. 5, lines 41-59; fig. 2, blocks 62-68).

Claim 4 recites “The method according to claim 1 wherein the customization software is provided on a computer program product” reads on Steinberg (col. 4, lines 32-36).

Claim 6, see claim 1.

Claim 8 recites "The method according to claim 1 wherein the digital camera includes a removable memory card, and wherein the desired firmware component(s) are stored on the removable memory card" reads on Steinberg (col. 3, lines 37-39; fig. 1, 22; col. 3, lines 57-60).

Claim 11 recites "The method of claim 1 wherein the digital camera further includes a processor, and wherein the firmware component(s) can be executed by the processor to control the operation of the digital camera" reads on Steinberg (col. 3, lines 22-24).

Claim 12 see claim 1.

Claim 13 recites "At least one computer program product having the customization software stored thereon for performing the method according to claim 1" reads on Steinberg (col. 4, lines 16-31; fig. 1, 14).

Claim 16 recites "The method of claim 1 wherein the desired camera features that can be selected by the user include monochrome or septia effects, and special effects filters" reads on Steinberg (fig. 3, 110, 111, 113; col. 6, lines 53-59).

Claim 18 recites "The method of claim 1 wherein the desired camera features that can be selected by the user include particular tone or color adjustments, or sharpness adjustments" reads on Steinberg (fig. 3, 78, 72; col. 6, lines 14-29).

Claim 20, see claim 1.

Claim 21 recites "The method of claim 20 wherein the digital camera further includes a processor" reads on Steinberg (col. 3, lines 22-23, col. 4, lines 32-52), "and wherein the software code accessed by the customization software is source code, and the customization software compiles the source code to create the firmware component that can be executed by the processor" reads on Steinberg (col. 1, lines 61-64).

Claim 22, see claim 1.

Claim 23, see claim 13.

Claim 26, see claim 16.

Claim 28, see claim 18.

Claim 35, see claim 1.

Claim 38, see claim 1.

Claim 39, see claim 13.

Claim 40, see claim 1.

Claim 41 recites "...wherein the at least one camera setting controls edge enhancement, color correction, or tone correction" reads on Steinberg (col. 6, lines 53-58; fig. 3, 110,111,113).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Nakajima et al. EP 0998140 A1.

Re claim 2 Steinberg fails to teach "...wherein step (c) includes erasing at least one undesired feature preexisting in the programmable memory of the digital camera",

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as claimed. However, erasing features preexisting in the programmable memory is well known and used in the art as evidenced in Nakajima (col. 3, lines 48-55).

Therefore, taking the combined teachings of Steinberg and Nakajima as a whole, it would have been obvious to modify Steinberg to include deletion of undesired features as taught in Nakajima. Doing so would provide a method for the deletion of undesired features preexisting in the programmable memory of the digital camera.

Re claim 5 Steinberg fails to teach exclusively "...wherein the camera customization software is provided by a Network Service Provider", as claimed. However, the downloading of software from via the internet is well known and used in the art as evidenced in Nakajima (col. 7, lines 37-43; fig. 2c).

Therefore, taking the combined teachings of Steinberg and Nakajima as a whole, it would have been obvious to modify Steinberg to include a customization program downloadable from an external device or database as taught in Nakajima. Doing so would provide a method for the customization of a digital camera via the internet.

Claims 9, and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Rangarajan et al. US 6,275,225.

Re claim 9 Steinberg fails to teach exclusively "...wherein the digital camera includes a camera graphical user interface responsive to firmware stored in the programmable memory, and wherein the firmware component(s) include configuring the

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camera graphical user interface to provide features selected from a plurality of possible background colors, icon types, icon orders, or icon locations" as claimed. However, the configuration of graphical user interfaces is well known and used in the art as evidenced in Rangarajan (col. 1, lines 50-62).

Therefore, taking the combined teachings of Steinberg and Rangarajan as a whole, it would have been obvious to modify Steinberg to include a graphical user interface which can be configured to provide a variety of features as taught in Nakajima. Doing so would provide a method for the configuration of a graphical user interface of a digital camera based on user input.

Claim 10, see claim 9.

Claims 14, and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Lavelle et al. US 6,362,851.

Re claim 14 Steinberg fails to teach exclusively "... wherein the desired camera features that can be selected by the user include particular sounds which the digital camera produces when images are captured or reviewed" as claimed. However, the use of sounds in digital cameras is well known and used in the art as evidenced in Lavelle (col. 4, lines 34-54).

Therefore, taking the combined teachings of Steinberg and Lavelle as a whole, it would have been obvious to modify Steinberg to include the selection of sounds which

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the camera produces when a function button is pressed as taught in Lavelle. Doing so would provide a method for customizing a digital camera to allow the user to include particular sounds that the digital camera produces when images are captured or reviewed.

Claim 24, see claim 14.

Claims 15, and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Aihara et al. US 6,223,190.

Re claim 15 Steinberg fails to teach exclusively "...wherein the desired camera features that can be selected by the user include configuring the firmware component(s) to create one or more html files to arrange images captured by the customized digital camera into a web page having a customized background color, header text, image date, image titles, or image size" as claimed. However, the creation of html files to arrange images captured by digital cameras into web pages is well known and used in the art as evidenced in Aihara (col. 3, lines 1-15).

Therefore, taking the combined teachings of Steinberg and Aihara as a whole, it would have been obvious to modify Steinberg to include the generation of html files to arrange images captured by a digital camera into a web page as taught in Aihara. Doing so would provide a method for customizing a digital camera to create html files to arrange images captured by the customized camera into a customized web page.

Claim 25, see claim 15.

Claims 17, and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Anderson US 6,154,210.

Re claim 17 Steinberg fails to teach exclusively "... wherein the digital camera includes a display, and wherein the desired camera features that can be selected by the user include enabling images to be uploaded from an external device and displayed on the display" as claimed. However, digital cameras including a display are well known and used in the art as evidenced in Anderson (fig. 1A).

Therefore, taking the combined teachings of Steinberg and Anderson as a whole, it would have been obvious to modify Steinberg to include a digital camera with a display as taught in Anderson. Doing so would provide a method for customizing a digital camera to enable images to be uploaded from an external device and displayed on the display.

Claim 27, see claim 17.

Claims 19, and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Pavley et al. US 6,317,141.

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Re claim 19 Steinberg fails to teach exclusively "... wherein the digital camera includes a display, and wherein the desired camera features that can be selected by the user include enabling a group of images to automatically be sequentially viewed on the display for a user specified period of time" as claimed. However, digital cameras including a display and also having a slideshow function enabling a group of images to automatically be sequentially viewed for a specified period of time are well known and used in the art as evidenced in Pavley (col. 16, lines 52-67).

Therefore, taking the combined teachings of Steinberg and Pavley as a whole, it would have been obvious to modify Steinberg to include a digital camera with a display and a slideshow function as taught in Anderson. Doing so would provide a method for customizing a digital camera to enable a group of images to automatically be sequentially viewed for a user specified period of time.

Claim 29, see claim 19

Claims 7, and 30-34 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Ogasawara US 6,512,919.

Re claim 7 Steinberg fails to teach exclusively "... wherein the host computer is provided in a retail establishment" as claimed. However, downloading information from host computers at remote retail establishments is well known and used in the art as evidenced in Ogasawara (col. 14, lines 37-49).

Therefore, taking the combined teachings of Steinberg and Ogasawara as a whole, it would have been obvious to modify Steinberg to include downloadable programs obtainable in a retail establishment as taught in Anderson. Doing so would provide a method for customizing a digital camera through the use of a host computer located in a retail establishment.

Claim 30 recites "A method for providing customized firmware for a digital camera for at least one particular user, the customized firmware having at least one firmware component which controls the operation of the digital camera, the method comprising the steps of:

- (a) providing customization software executed external to the digital camera which can access software code associated with a plurality of different camera features;
- (b) displaying a list of the camera features remote from the digital camera;
- (c) the user selecting at least one desired camera feature from the displayed list of camera features to cause the customization software to access the software code associated with the at least one selected feature, and to provide corresponding firmware component(s); and

- (d) the user providing a payment identifier specifying an account to be debited to pay for the firmware component(s)" which is substantially the same as claim 20 except for the mention of the user providing a payment identifier specifying an account to be debited to pay for the firmware component(s) as claimed. However, downloading information via the internet in exchange for payment is well known and used in the art

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as evidenced in Ogasawara (col. 14, lines 37-49).

Therefore, taking the combined teachings of Steinberg and Ogasawara as a whole, it would have been obvious to modify Steinberg to include downloadable programs obtainable in a retail establishment as taught in Anderson. Doing so would provide a method for customizing a digital camera through the use of a host computer located in a retail establishment.

Claim 31, see claim 30.

Claim 32, see claim 30.

Claim 33, see claim 30.

Claim 34 recites "At least one computer program product having the customization software stored thereon for performing the method according to claim 30" which is substantially the same as claim 23 except for the mention of the user providing a payment identifier specifying an account to be debited to pay for the firmware component(s) as claimed. However, downloading information via the internet in exchange for payment is well known and used in the art as evidenced in Ogasawara (col. 14, lines 37-49).

Therefore, taking the combined teachings of Steinberg and Ogasawara as a whole, it would have been obvious to modify Steinberg to include downloadable

programs obtainable in a retail establishment as taught in Anderson. Doing so would provide a method for customizing a digital camera through the use of a host computer located in a retail establishment.

Claims 36, and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg in view of Rangarajan, and further in view of Lavendel et al. US 2002/0126147 A1.

Re claim 36 Steinberg in view of Rangarajan fails to teach "...wherein the digital camera is customized to include different camera settings for at least two different users" as claimed. However, plural different interfaces are well known and used in the art as evidenced in Lavendel (page 1, paragraph 10).

Therefore, taking the combined teachings of Steinberg, Rangarajan, and Lavendel as a whole, it would have been obvious to modify Steinberg and Rangarajan to include plural different interfaces as taught in Lavendel. Doing so would provide a method for customizing a digital camera to include different camera settings for at least two different users.

Claim Objections

Claims 16 and 26 objected to because of the following informalities: The word "septia" is misspelled. It should read "sepia". Appropriate correction is required.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kelly Jerabek whose telephone number is (703) 305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached at (703)-305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

The fax number for submitting all Official communications is (703) 872-9306.

The fax number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (703) 746-3059.

KLJ


VU LE
PRIMARY EXAMINER